

## **REMARKS**

Claims 1-10 are now pending in the application. Claim 1 is amended. No new matter is presented. Pending claims 1-10 stand rejected under 35 U.S.C. § 103 (a). The forgoing amendments and following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

### **I. Rejection Of Pending Claims 1 -3, 9, and 10 Under 35 U.S.C. § 103(a)**

Claims 1-3, 9, and 10 stand as rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hallmeyer et al. U.S. Patent No. 6,504,571 and further in view of Loicht et al. (U.S. Publication 2004/0017567). These rejections are traversed and believed overcome in view of the following discussion.

#### **A. Summary of Cited References**

Hallmeyer is directed to an optical measurement arrangement that includes an ellipsometer and a device for ascertaining and correcting directional deviations between a line normal to the specimen surface and the angle bisection between the incident and return beams of the ellipsometer. The measurement arrangement includes a mirror objective and a device for ascertaining the direction deviations.

Loicht is directed to a miniaturized spectrometer for determining the ingredients of a gaseous or liquid fluid with a light source and a spectrometer having at least one measurement beam and at least one reference beam.

### **C. Argument**

It is respectfully submitted that the combination of the cited references fail to teach or suggest a spectrograph that is arranged so as to be swivelable and linearly displaceable around the radiation source in order to measure the different incident angle areas. Although Hallmeyer discloses a spectrograph as provided in Columns 9 and 10, Hallmeyer does not teach or even suggest that the spectrograph can be swivelable and linearly displaceable around the radiation source in order to measure the different incident angle. It would be impossible for the spectrograph 9 to be swivelable or linearly displaceable around the radiation source 1 (See Figure 1).

Loicht is directed to a device for collecting transmission measurements for determining the ingredients of a gaseous or liquid fluid in which the beam direction does not change. Thus, Loicht, does not cure this deficiency. As a result, it is respectfully submitted that the combination of the cited references fail to teach or suggest a spectrograph that is arranged so as to be swivelable and linearly displaceable around the radiation source in order to measure the different incident angle areas. Therefore, Applicants request the withdrawal of the rejection of claims 1-3, 9, and 10 under 35 U.S.C. 103(a).

## **II. Rejection Of Pending Claims 4-8 Under 35 U.S.C. § 103(a)**

Claims 4-8 stand as rejected under 35 U.S.C. § 103(a) as being anticipated by Hallmeyer and Loicht and further in view of Dinsmore et al. (U.S. Patent No. 5,442,678) and Benz et al. (U.S. Patent No. 5,577,093). These rejections are traversed and believed overcome in view of the following discussion.

### **A. Summary of Cited References**

Dinsmore is directed to an x-ray source having a housing, an elongated tubular probe, a target assembly and a beam steering assembly.

Benz is directed to an x-ray system having a rotating anode which includes a target stem connection.

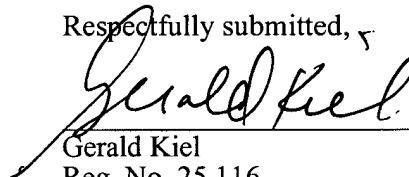
**C. Argument**

It is respectfully submitted that neither Dinsmore nor Benz cures the deficiency of Hallmeyer and Loicht. Since neither Dinsmore nor Benz teach or suggest a spectrograph that is arranged so as to be swivelable and linearly displaceable around the radiation source in order to measure the different incident angle areas, it is respectfully submitted that the cited references fail to teach or suggest the features recited in claims 4-8. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 4-8 under 35 U.S.C. 103(a).

**III. Conclusion**

For the reasons presented above, claims 1-10 are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted, <sup>s</sup>

  
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